

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

112

In re application of: David A. BAUCOM

Serial No. Not yet assigned

Filed: October 1, 2002

For: Pneumatic Lift and Movement System  
for Shelving

Group No.: 3723

Examiner: Watson, R.

Attorney's Docket No.: BAM001D/134920

Christine Donnell, Esq.  
Senior Petitions Attorney  
Assistant Commissioner for Patents  
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OFFICE OF PETITIONS

PETITION UNDER 37 CFR 1.53(b) and 1.53(d)  
DIVISIONAL APPLICATION FILING CONVERSION

Dear Sir or Madam:

The above-identified application appears to have been mislaid in the Patent and Trademark Office. This divisional application claiming priority from U.S. Serial No. 9/544.775 was filed on October 1, 2002. A copy of the divisional application as filed is submitted herewith together with a copy of the Express Mail Receipt and stamped returned postcard acknowledging its receipt in the U.S. Patent Office. Official notification confirming the filing of the divisional application has not been received.

APPLICANT HEREBY PETITIONS FOR CONVERSION  
OF THE DIVISIONAL APPLICATION

Note: A grantable petition requires the following items:

- (1) Petition Fee
- (2) Reply and/or Issue Fee
- (3) Terminal Disclaimer with Disclaimer Fee – required for all utility and plant applications filed before June 8, 1995; and
- (4) Explanatory Statement

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1. **Petition Fee**

- ☒ **Small Entity – fee \$ 130** (37 CFR 1.17(m)).  
☐ Small Entity Statement enclosed herewith.  
☐ Small Entity Statement previously filed.  
☐ Other than small entity fee \$1,300 (37 CFR 1.17(m))

2. **Promptness of This Submission**

This petition is being filed:

- ☐ within 2 months after the applicant was first notified of abandonment, namely the Notice of Abandonment mailed by the PTO on \_\_\_\_\_.
- ☐ within 1 year of the date of abandonment. Applicant did not receive any Notice of Abandonment communication from the PTO.
- ☒ **More than 6 months have passed since the filing of this application on October 1, 2002. No communication has been received from the Patent and Trademark Office indicating action on this divisional application.**

3. **Submission**

Submitted herewith is:

- ☒ A copy of the divisional application as filed together, including Express Mail Receipt and stamped postcard acknowledging Patent Office receipt of same.
- ☒ A copy of our February 19, 2003 Status Inquiry including Express Mail Receipt and stamped postcard acknowledging Patent Office receipt of same.

4. **Reply and/or Fee**

A. The reply and/or fee to the above-noted Office Action in the form of :

**Filing fee** \_\_\_\_\_ (identify type of reply):

- ☒ Has been previously filed on October 1, 2002. The fees were refunded to our Deposit Account on November 30, 2002. No further communication has been received from the Patent Office indicating the current status of the application.
- ☒ Is enclosed herewith.

☒ The Commissioner is hereby authorized to charge the respective filing fees to our Andrews & Kurth, Deposit Account No. 50-0897 (134920/BAM001C).

- B. The issue fee of \$\_\_\_\_\_
- ☐ Has been previously paid on \_\_\_\_\_.
- ☐ Is enclosed herewith.

**5. Terminal Disclaimer with Disclaimer Fee**

- ☐ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A Terminal Disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$\_\_\_\_\_ for a small entity or \$\_\_\_\_\_ for other than a small entity) disclaiming a period equivalent to the period of abandonment is enclosed herewith (see PTO/SB/63).

**6. Statement**

Attached hereto is a statement attesting to procedures referred to above based on:

- ☒ personal knowledge
- ☒ a showing believed to be satisfactory to the Commissioner

Applicant hereby petitions the Assistant Commissioner for Patents to accord the **Divisional** request of October 1, 2002 a filing date under 37 CFR 1.53(b), using the specification, drawings as originally transmitted together with the signed oath/declaration of parent application 9/544.775 (a copy of the all the documents as filed on October 1, 2002 is enclosed herewith, together with returned stamped postcard evidence acknowledging PTO receipt).

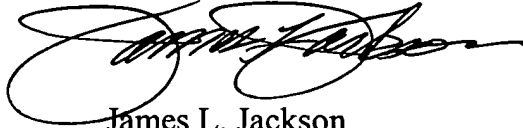
Applicant further encloses a copy of the signed Inventor's Declaration from the parent file to expedite this request.

**7. Request**

Applicant respectfully requests the Assistant Commissioner for Patents to accept and treat an improper application filed under 37 CFR 1.53(d) as a proper application

under 37 CFR 1.53(b). Applicant requests that this Petition for Conversion of the Divisional Application be granted as submitted by the undersigned.

Respectfully submitted,



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Registration No. 20,791

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Date: , 2003